

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AZAT AMIRKHANOV,

Plaintiff,

v.

CAROLYN COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. 2:15-CV-01541-DWC

ORDER

Plaintiff filed this Social Security action on September 28, 2015. Dkt. 1. Summonses were electronically issued on September 30, 2015. Dkt. 4. On December 14, 2015, Defendant filed the Administrative Record-Answer. Dkt. 8. Plaintiff, however, failed to provide the Court with proof of service pursuant to Federal Rule of Civil Procedure 4(l)(1).

On December 14, 2015, the Court ordered Plaintiff to comply with Rule 4(l)(1) and provide proof of service of the Complaint to the Court on or before December 28, 2015. Plaintiff failed to comply with the December 14th Order and on January 4, 2016, the Court ordered Plaintiff to show cause why sanctions should not be imposed for failing to comply with the December 14th Order.

1 On January 7, 2016, Plaintiff's attorney submitted a response to the Court's Show Cause
2 Order stating he resent "summonses to Defendant by registered, certified, receipt requested U.S.
3 Postal Service and awaited for proof of completed delivery to be received." Dkt. 13, pp. 1-2.
4 Proof of service was not received until after the Court's December 28th deadline, and Plaintiff's
5 attorney has now attached the proof of service to his response. *See* Dkt. 13, 13-2.

6 Upon review of Plaintiff's response and the record, the Court concludes Plaintiff has
7 shown cause for failing to respond to the Court's December 14th Order.

8 The Court notes proof of service under Rule 4(l)(1) must be made by the server's
9 affidavit. *See* Fed. R. Civ. P. 4(l)(1). Under General Order 04-15, a plaintiff who participates in
10 the Pilot Program for Electronic Service in Social Security Cases must "[f]ile a Certificate of
11 Service through the Court's Electronic Court Filing ("ECF") system indicating when the
12 summons and complaint and identifying information was sent to the . . . designated email
13 address." Therefore, rather than resend the summonses, Plaintiff only needed to file an affidavit
14 from the server or a certificate of service showing service had been completed to comply with
15 the Rule 4(l)(1).

16 Dated this 13th day of January, 2016.

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18 David W. Christel
19 United States Magistrate Judge
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